

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DERRICK L. JOHNSON,

Plaintiff,

v.

SUPERIOR COURT OF THE STATE OF  
CALIFORNIA FOR KINGS COUNTY, et al.,

Defendants.

Case No. 1:23-cv-01115-JLT-SKO

ORDER ADOPTING IN FULL FINDINGS  
AND RECOMMENDATIONS TO DENY  
WITHOUT PREJUDICE PLAINTIFF'S  
"MOTION" AND TO DISMISS THIS  
CASE AS DUPLICATIVE OF 1:23-cv-  
1124-SAB

(Docs. 12 & 13)

On July 25, 2023, Plaintiff Derrick L. Johnson, proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1.) In his complaint, which was filed in the Sacramento courthouse, Plaintiff alleges violations of his civil rights during criminal proceedings in the Superior Court of the State of California for Kings County. (*See id.*) The case was transferred, sua sponte, to the Fresno courthouse on July 26, 2023. (*See* Doc. 4.) Along with his complaint, Plaintiff filed an ex parte document titled, "Motion." It requests that the Court issue a temporary restraining order and a permanent injunction staying and/or relieving him from judgment in the underlying criminal case. (Doc. 9.)

On August 7, 2023, the assigned magistrate judge issued findings and recommended that Plaintiff's motion seeking preliminary injunctive relief be denied as premature. (Doc. 12.) That next day, the assigned magistrate issued findings and recommendations that this case be dismissed as duplicative of *Johnson v. Superior Court of the State of California for Kings County*, Case No.

1 1:23-cv-1124-SAB. (Doc. 13.) In each of the findings and recommendations, the Court granted  
2 Plaintiff 21 days from the date of service to file any objections to the recommendation of the  
3 magistrate judge. (Doc. 12 at 4; Doc. 13 at 5.) On September 11, 2023, Plaintiff filed a “Notice of  
4 Disapproval” in which he asserts his case should not be dismissed.<sup>1</sup> (Doc. 19.)

5 According to 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United School Dist.*, 708  
6 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case. Having carefully  
7 reviewed the matter, including Plaintiff’s objection, which does not materially call into question  
8 the magistrate judge’s reasoning, the Court finds the findings and recommendations are supported  
9 by the record and proper analysis. Based upon the foregoing, the Court ORDERS:

- 10 1. The findings and recommendations filed August 7, 2023 (Doc. 12) and August 8,  
11 2023 (Doc. 13) are both **ADOPTED IN FULL**.
- 12 2. Plaintiff’s “Motion” (Doc. 9) is **DENIED WITHOUT PREJUDICE**.
- 13 3. This action is **DISMISSED** as duplicative of *Johnson v. Superior Court of the*  
14 *State of California for Kings County*, Case No. 1:23-cv-1124-SAB.
- 15 4. The Clerk of Court is directed to **CLOSE** this case.

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17 IT IS SO ORDERED.

18 Dated: **October 4, 2023**

  
UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> Before filing his “Notice of Disapproval,” Plaintiff filed a notice of appeal on August 14, 2023, which  
was dismissed for lack of jurisdiction on September 29, 2023. (*See* Doc. 22.)